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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

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10 DANITA THOMPSON,  
11 Plaintiff,  
12 v.  
13 NANCY BERRYHILL,  
14 Defendant.

Case No. 18-cv-03352-NC

**ORDER SCREENING COMPLAINT  
AND ORDERING SERVICE**

Re: ECF 5, 6

16 On June 20, 2018, the Court granted plaintiff Danita Thompson's motion to proceed  
17 in forma pauperis and screened the complaint under 28 U.S.C. § 1915(e)(2)(B). ECF 5. In  
18 its screening order, the Court found that the complaint failed to state a claim for relief  
19 under the pleading standards of Federal Rule of Civil Procedure 8, due to lack of facts or  
20 specific identification of legal error by the Social Security Administration. ECF 5 at 2.

21 With leave of Court, Thompson filed an amended complaint on July 20, 2018. ECF  
22 6. The amended complaint claims:

23 • (1) the ALJ erred in finding that Thompson completed a Trial Work Period, when  
24 in fact Thompson has not performed 80 hours of qualifying service in a month  
25 since the alleged date of disability onset, *id.* at 11;

26 • (2) the ALJ erred in finding that Thompson began performing substantial gainful  
27 activity in January of 2016 by using an incorrect calculation of Thompson's  
28 monthly salary, *id.* at 12;

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- (3) the ALJ erred in determining that Thompson’s disability ended on April 29, 2015, based on the incorrect conclusion that Thompson completed the Trial Work Period, *id.* at 13;
- (4) The ALJ made erroneous findings about Thompson’s medical improvement that are not supported by the factual record, *id.* at 14; and
- (5) the ALJ erred in finding that medical improvement occurred related to Thompson’s ability to work, *id.* at 15.

Again screening under 28 U.S.C. § 1915(e)(2)(B), the Court FINDS that the amended complaint states a claim for relief under 42 U.S.C. § 405(g) such that service is warranted. The Clerk of Court is directed to issue a summons, and the United States Marshals Service is ordered to serve defendant Berryhill.

## **IT IS SO ORDERED.**

Dated: July 27, 2018

**NATHANAEL M. COUSINS**  
United States Magistrate Judge